

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

TONY MAGHRAK, *as Chairman and*
BRUCE YOUNG, *as Secretary of the*
IBEW Local No. 292 Health Care Plan,
Pension Fund, Annuity & 401(k) Fund,
Vacation and Holiday fund and the
Minneapolis Electrical Industry
Board/JATC/LMCC and each of their
successors,

Plaintiffs,

v.

AVERY ELECTRIC, INC.,

Defendant.

Civil No. 08-5757 (JRT/JJK)

ORDER TO SHOW CAUSE

Amanda Cefalu, **ANDERSON, HELGEN, DAVIS & NISSEN, LLC**, 150 South Fifth Street, Suite 310000, Minneapolis, MN 55402, for plaintiffs.

The above matter came before the Court upon Plaintiffs' Motion for Order to Show Cause to hold Defendant in civil contempt for failure to obey the Court's previous Order for Entry of Default entered on March 9, 2009, which ordered Defendant to produce fringe benefit reports for the period of July, 2008 through February, 2009 correctly identifying hours worked by employees for that period. Pursuant to that Motion, the Court now makes the following Order:

IT IS HEREBY ORDERED:

1. Defendant Avery Electric, Inc. through its principal John S. Avery is hereby ordered to personally appear before this Court on **June 1, 2009** at **1:30 p.m.** at the

United States Court House, Courtroom 13E, 300 South Fourth Street, Minneapolis, Minnesota to show cause, if any, why a contempt of court order should not be entered adjudging the corporation through its principal John S. Avery in civil contempt of this Court for continuing to refuse to produce fringe benefit reports for the period of July, 2008 through February, 2009 correctly identifying hours worked by employees for that period, and that it should show cause why John S. Avery should not be committed to confinement until compliance with the Court's Order for Entry of Default entered on March 9, 2009.

DATED: May 27, 2009
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge